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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,609	01/21/2004	Ulrich Rosenbaum	DT-6746	3517
30377	7590	01/26/2005	EXAMINER	
DAVID TOREN, ESQ.			LOPEZ, MICHELLE	
SIDLEY, AUSTIN, BROWN & WOOD, LLP				
787 SEVENTH AVENUE			ART UNIT	PAPER NUMBER
NEW YORK, NY 10019-6018			3721	

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	10/761,609	Applicant(s)	ROSENBAUM ET AL.
Examiner	Michelle Lopez	Art Unit	3721

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1) Responsive to communication(s) filed on 21 January 2004.  
2a) This action is FINAL.                            2b) This action is non-final.  
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4) Claim(s) 1-6 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) Claim(s) \_\_\_\_\_ is/are allowed.  
6) Claim(s) 1-6 is/are rejected.  
7) Claim(s) \_\_\_\_\_ is/are objected to.  
8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9) The specification is objected to by the Examiner.  
10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been received.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Gray (3,842,596).

Gray discloses a housing 2,37; an operational mechanism 3,36 located in the housing; at least one latent heat accumulator arranged on the power tool as shown in Figs. 1 and 3, wherein the latent heat accumulator is arranged in a region of the operational mechanism.

With respect to claim 3, Gray discloses wherein the latent heat accumulator is arranged adjacent to heat-sensitive components 4,30 of the power tool.

With respect to claim 4, Gray discloses wherein the latent heat accumulator comprises a chamber 5,33 and at least one of latent heat storable material at 7 and latent heat storable mixture as shown in col. 4; 51-62.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gray (3,842,596) in view of Kreibich et al (4,259,198) and further in view of Burns et al. (4,341,649).

With respect to claim 5, Gray discloses the invention substantially as claimed except for a latent heat storable material and latent heat storable mixture from a group consisting of paraffin.

However, Kreibich et al. teaches latent heat storable material and latent heat storable mixture consisting from a group of paraffin for the purpose of providing a heat storage material used on a latent heat accumulator, wherein the storage material, i.e. paraffin, has a low melting point and a greater heat storage capacity per unit of weight of the storage material. In view of Kreibich, it would have been obvious to one having ordinary skill in the art to have provide Gray's invention with a latent heat storable material and latent heat storable mixture consisting from a group of paraffin in order to provide a heat storage material used on a latent heat accumulator, wherein the storage material, i.e. paraffin, has a low melting point and a greater heat storage capacity per unit of weight of the storage material

Also, with respect to claim 5, Gray does not disclose wherein the latent heat storable material and latent heat storable mixture from a group consisting of salts and hydrated salts having a melting temperature between 20° and 160° C.

However, Burns et al. discloses a latent heat storable material and latent heat storable mixture from a group consisting of salts and hydrated salts having a melting temperature above at or below about 90° C for the purpose of forming a gel at a high energy state. In view of Burns, it would have been obvious to one having ordinary skill in the art to have provide Gray's invention and further having a latent heat storable material and latent heat storable mixture from a group consisting of salts and hydrated salts having a melting temperature above at or below about 90° C in order to form a gel at a high energy state.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gray (3,842,596) in view of Burns et al. (4,341,649).

Gray discloses the invention substantially as claimed except for at least one of latent heat storable material and latent heat storable mixture is sodium acetate.

However, Burns teaches a heat storage material as sodium acetate for the purpose of providing a heat storage material having high heat capacity, thereby forming a gel at a high energy state.

### *Conclusion*

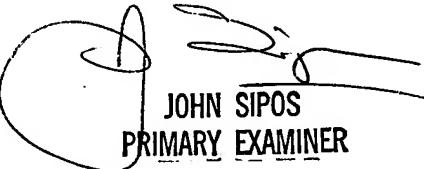
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mizuhara'502, Wanner'689, Hildebrand'285, and Longardner'896 are cited to show related inventions.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Lopez whose telephone number is 571-272-4464. The examiner can normally be reached on Monday - Thursday: 8:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML



JOHN SIPOS  
PRIMARY EXAMINER